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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,098	09/12/2000	Farooq Ullah Khan	2-52	7317
7590	06/09/2004		EXAMINER	
Docket Administrator (Room 3C-512) Lucent Technologies Inc 600 Mountain Avenue PO Box 636 Murray Hill, NJ 07974-0636			MUNOZ, GUILLERMO	
			ART UNIT	PAPER NUMBER
			2634	
DATE MAILED: 06/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/660,098	KHAN ET AL. <i>[Signature]</i>	
	Examiner	Art Unit	
	Guillermo Munoz	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 September 2000.  
 2a) This action is **FINAL**.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 5 is/are rejected.  
 7) Claim(s) 2-4 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellig in view of applicant admitted prior art.

#### **Regarding Claim 1**

#### **Examiner interpretation of Claim 1**

A three step method of transmitting data in a ARQ with IR system. The first step involves providing data that comprises identification information and information regarding the transmission history of the data, i.e. is the data new or is the data a retransmission. The claim does not specify the element the information is provided to. The second step involves receiving an interrupt signal from a scheduling algorithm in order to initiate transmission of the data. The interrupt signal is interpreted as being used to adjust transmission parameters. The final step involves transmitting the data.

#### **Prior Art**

Wellig disclose a Selective Retransmission Automatic Repeat Request system which teaches all the claimed subject matter in claim 1 as follows. Wellig teaches a bit belonging to a particular data Package Data Unit is set to 1 if the bit is acknowledged and set to zero if the

package has to be retransmitted, note Col. 2, line 66 – Col. 3, lines 2. Based on the amount of retransmitted packages, a scheduling algorithm adapts the bandwidth to the current transmission rate, note Col. 3, lines 3-13. However, Wellig fails to teach package data including information identifying the subscriber.

Applicant discloses in page 3, lines 1-3, that Incremental Redundancy and soft combining, are techniques used to improve the efficiency of ARQ. Furthermore, applicant discloses in page 3, lines 12-20 that in IR schemes operating with SR ARQ, the trailer and header contain information identifying the subscriber and information on how to process the packet.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wellig's packet information with AAPA's teaching of including information identifying the subscriber, since AAPA suggest in page 3, lines 12-20, that subscriber information is generally known to be included in the package header of Selective Retransmission Automatic Repeat Request systems.

#### **Regarding Claim 5**

Wellig further teach the claimed subject matter in Col. 2, line 67 – Col. 3, line 2.

#### ***Claim Objections***

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Munoz whose telephone number is 703-305-4224. The examiner can normally be reached on Monday-Friday 8:30a.m-4:30p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GM  
May 28, 2004

  
STEPHEN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800